

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TREMAIN CARTER, et al.,

Plaintiffs,

-against-

DSW SHOE WAREHOUSE, INC.,

Defendant.

ORDER

23-CV-04761 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared today by telephone for a pre-motion conference. As discussed on the record, the Court heard argument on Defendant's contemplated motions to compel arbitration of Plaintiff Carter's claims (Doc. 29) and to transfer venue to the Eastern District of New York (Doc. 30).

The Court construed Defendant's pre-motion letters the motions themselves; and, having considered Defendant's pre-motion letters (Doc. 29, Doc. 30), Plaintiffs' opposition thereto (Doc. 33), Defendant's reply (Doc. 35), and having heard oral argument on the record, the Court GRANTED the motions for the reasons stated on the record and law cited therein. *See In re Best Payphones, Inc.*, 450 F. App'x 8, 15 (2d Cir. 2011); *see also Brown v. New York*, 2022 WL 221343, at *2 (2d Cir. Jan. 26, 2022). The motion to compel Plaintiff Carter to arbitrate his claims is granted as the validity of the arbitration agreement is undisputed and Defendant did not waive its right to arbitrate Plaintiff Carter's claims. In light of that ruling, absent Carter as a Plaintiff in this action, the motion to transfer venue is granted as the factors under 28 U.S.C. § 1404(a) weigh in favor of transfer to the Eastern District of New York.

See Transcript.

Accordingly, the Clerk of Court is respectfully directed to transfer this action to United States District Court, Eastern District of New York, pursuant to Local Civil Rule 83.1 which provides for a seven-day waiting period to effectuate the transfer.

SO ORDERED:

Dated: White Plains, New York
December 12, 2023



PHILIP M. HALPERN
United States District Judge